

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 HOLLY DETROIT,

11 Plaintiffs,

No. CV11-5089RBL
12 MDL No. 2100

v.

13 BAYER HEALTHCARE, LLC, et al.,

Defendants.

14 ORDER DENYING WITHOUT
15 PREJUDICE PLAINTIFF'S MOTION
16 TO REMAND [Dkt. # 14]

17 This matter is before the court on the Plaintiff's Motion to Remand this case to State
18 Court. This is a products liability case arising from the contraceptives "YAZ" and "Yasmin."
19 Defendant Bayer's Motion to Stay this case pending transfer to the Multi District Litigation
20 (MDL) Panel handling a number of these YAZ cases has already been GRANTED. [Dkt. #22].

21 Plaintiff's Motion to Remand is based on her claim that there is no diversity jurisdiction
22 over the case. She argues that one of the defendants, The Vancouver Clinic, is, like her, a citizen
23 of the State of Washington. Defendant Bayer's removal of the case, and its opposition to
24 remand, is based on its claim that The Vancouver Clinic was fraudulently joined for the sole
25 purpose of defeating diversity. Bayer argues that Plaintiff does not have a reasonable possibility
of succeeding on her claims against The Vancouver Clinic, and that that Defendant's citizenship
should be disregarded for purposes of diversity jurisdiction.

26 Bayer also points out, persuasively, that the MDL Judge handling the YAZ cases is in
27 turn handling all manner of pretrial Motions, including Motions to Remand, and resolving claims
28 of fraudulent joinder. *See* Dkt. 12, at Exs E-J.

The most efficient course is for this case to join the other YAZ cases in MDL. The Plaintiff's Motion to Remand [Dkt. #14] is DENIED WITHOUT PREJUDICE. The case remains STAYED pending transfer to MDL. [See Dkt. #22]

IT IS SO ORDERED.

Dated this 5th day of May, 2011.

Ronald B. Leighton

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE